

Nadler Introduces Clean Ports Act to Allow Ports to Enforce Clean Truck Programs

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WASHINGTON, D.C. - Today, Congressman Jerrold Nadler (D-NY), the senior Northeastern Democrat on the House Transportation and Infrastructure Committee, introduced the Clean Ports Act of 2010. The bill, which has 57 original co-sponsors, would amend the Federal Motor Carrier Act to allow ports to enact and enforce clean truck programs and implement environmental programs above the current federal requirements. This change to federal law would confirm that port cities like Los Angeles, New York, Newark, Oakland and Seattle have the authority to set the standards needed to replace diesel trucks with clean diesel and alternative energy vehicles in order to reduce pollution in a manner that has negligible effect on consumer prices, lowers public health costs for taxpayers, and does not unfairly burden the workers who haul cargo to and from U.S. seaports.

The Clean Ports Act would improve the quality of air for the estimated 87 million Americans who live and work in port regions, as diesel soot from dirty trucks greatly increases rates of asthma, cancer and heart disease in those areas, creating a growing national public health crisis.

"With trucking a ubiquitous and central part of goods distribution nationwide, we must ensure that the government is doing everything in its power to decrease vehicle emissions and minimize pollution in and around our ports," said Nadler. "The Clean Ports Act will update federal environmental law to allow forward-thinking ports, like the Port of Los Angeles, to implement clean truck programs that will improve the air, empower truckers, and reduce the incidence of illnesses exacerbated by pollution. The movement supporting this legislation represents a truly diverse swathe of American labor, business, environmental organizations, consumer groups, and others working toward the common goal of greener ports."

"Congressman Nadler's bill is a simple way for Washington to help local governments reduce emissions, create green jobs, improve public health, and help responsible businesses grow and compete as part of a national economic recovery strategy," said David Foster, Executive Director of the BlueGreen Alliance, a partner in the Coalition for Clean & Safe Ports. "We commend Congressman Nadler and his colleagues, and we look forward to working with Congress this session to remove this barrier to progress in federal transportation policy."

Daniel Ortiz, a truck driver at the Port of New York and New Jersey, said: "I have spent up to 60 hours every week for the last 9 years, sitting behind the wheel of a dirty truck and breathing diesel fumes. But my hard work and loyalty have not paid off. I struggle every week to provide for my wife and my son because the trucking companies force me to pay for my truck, gasoline, tolls, maintenance and expensive repairs - but I am not eligible for basic things like Social Security, unemployment or even workers' comp if I get hurt on the job. I feel like I work in a sweatshop on wheels. The system is broken and I want the law to be changed so I can drive a clean truck, have a better future for my family, and even send my son to college."

In just one year, Los Angeles' Clean Truck Program, the national model for such programs, reportedly replaced nearly 6,000 dirty diesel trucks with clean diesel and alternative energy vehicles, eliminating 30 tons of diesel particulate matter and reducing diesel particulate pollution by an estimated 70 percent. This was the equivalent to removing 200,000 automobiles from the road.

Recently, Los Angeles' program was challenged in federal court, highlighting the need for Nadler's legislation to amend federal law. The current motor carrier statute enacted as part of the Federal Aviation Administration Authorization Act of 1994 allows state and local entities to regulate trucking companies only for "safety" related programs, and an injunction has been issued to temporarily block Los Angeles' ability to directly enforce, through concession agreements, a ban on motor carriers from bringing dirty trucks into its port. The court injunction also prevents Los Angeles from placing the burden of cost to upgrade and properly maintain expensive, new clean trucks onto motor carrier companies rather than onto truck drivers themselves. Because of the injunction, drivers continue to be hired as "contractors" by the companies and, therefore, are expected to replace and maintain trucks themselves - a prohibitive and unreasonable expense for the vast majority of drivers, which threatens the efficacy of the entire clean truck program.

Ports around the country - like the terminals in New York, New Jersey, Oakland, Seattle, Houston and Miami - are grappling with similar obstacles presented by port trucking, but are unable to implement a comprehensive program given the legal uncertainty and injunction against the program in Los Angeles.

The Clean Ports Act is supported by a broad coalition of over 120 civic, environmental, labor and civil rights groups, such as the Leadership Conference on Civil and Human Rights, Change to Win, Blue Green Alliance, International Brotherhood of Teamsters, Sierra Club, Apollo Alliance and NRDC.